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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/706,296	11/03/2000	Sampath Srinivas	DANAP004	6716
44987	7590	11/15/2004		
HARRITY & SNYDER, LLP 11240 WAPLES MILL ROAD SUITE 300 FAIRFAX, VA 22030			EXAMINER LAZARO, DAVID R	
			ART UNIT 2155	PAPER NUMBER

DATE MAILED: 11/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Best Available Copy

Advisory Action	Application No. 09/706,296	Applicant(s) SRINIVAS ET AL.	
	Examiner David Lazaro	Art Unit 2155	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 18 October 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.


Claim(s) objected to: _____.

Claim(s) rejected: 1-4,6-10,17-20 and 22.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____


HOSAIN ALAM
 SUPERVISORY PATENT EXAMINER


 David Lazaro
 11/09/04

Continuation of 5. does NOT place the application in condition for allowance because:

Applicants argue - "...Pacifi et al. in no way discloses or suggests inserting an executable script into each frame of the webpage operable to render a toolbar in each frame when executed by a client browser, as required by amended claim 1."

Examiner's Response - As stated from In re Keller, Terry, and Davies, 208 USPQ 871 (CCPA 1981), "Test of obviousness is not whether features of secondary reference may be bodily incorporated into primary reference's structure, nor whether claimed invention is expressly suggested in any one or all of references; rather, test is what combined teachings of references would have suggested to those of ordinary skill in art." As such, Pacifi is not used to teach all the limitations as argued by the applicants. Guthrie generally teaches inserting executable script into a webpage such that the script is capable of rendering a toolbar when executed by the client (See p. 3 of Final Rejection mailed 08/18/04 for citations). The examiner admitted Guthrie does not explicitly disclose inserting script into each frame of a webpage. However, this does not exclude such functionality and the examiner believes the capability of such a feature is implied based on the fundamental concept disclosed by Guthrie in Col. 6 lines 41-56. To make the rejection proper though, Pacifi is used to teach the functionality of inserting script into each frame of a webpage. Pacifi specifically states the use of an executable script (Col. 4 lines 27-35) inserted into each frame of a webpage with more than one frame (Col. 5 lines 22-25). The script is operable to render HTML components into that frame (Col. 2 lines 59-67 and Col. 5 lines 22-38). Further evidence of script insertion into each frame is noted in Col. 4 lines 13-15, which states "the collaboration server modifies the retrieved document to insert the JavaScript-based markup components", in Col. 8 lines 15-18 "An HTML document may be composed of a number of frames (or windows). The Web document processor associates a markup agent, in the form of a client side script, with each frame" and in Col. 8 lines 38-40 which states "For this purpose, each markup agent needs to be able to recognize the name of the frame in which it is running." The combined teachings of Guthrie and Pacifi would suggest to one of ordinary skill in the art the feature of 'inserting an executable script into each frame of the webpage operable to render a toolbar in each frame when executed by a client browser'. Guthrie provides the motivation for such a combination as there is need for a user to be able to incorporate add-on components in a webpage including webpages with multiple frames (Col. 3 lines 1-29). Furthermore, as amended, Claim 1 does not require more than one frame in a webpage.

Applicants argues - "it is unclear how the Examiner can allege that modifying the Guthrie system to include the alleged feature of Pacifi et al. would allow Guthrie to perform a function that Guthrie already performs."

Examiner's response - From Col. 3 lines 1-29 of Guthrie, Guthrie describes the general need and desire for add-on components for a webpage. The need and desire comes from benefits such as easier navigation for example (Col. 3 lines 7-9). If there is need or desire (motivation) for an end result, it is logical that one would be open to modifications and alternatives to achieve the end result.

Applicants argue - "...it is unclear how the Examiner can admit, on the one hand, that Guthrie does not disclose the ability to render a toolbar in each frame of a webpage (see final Office Action, pg. 5) and then, on the other hand, allege that Guthrie discloses the very feature that the Examiner admits Guthrie does not disclose. Contrary to the Examiner's allegation with respect to Claim 17, Applicants submit that Guthrie does not disclose or suggest the ability to render a toolbar in each frame of a webpage."

Examiner's response - From page 5 of the final Office Action: "Guthrie does not explicitly disclose an instance of the activation script being inserted into each frame of a webpage with more than one frame." This does not state that Guthrie does not disclose the ability to graphically render a toolbar in each frame. The examiner asserts there is a difference between "inserting" script into each frame of a webpage and the ability to render a toolbar for each frame of a webpage. The claim language does not state the insertion of activation script into each frame of a webpage with more than one frame. The claim language describes a conditional rendering of the toolbar in each frame based on the size of a frame. The examiner interprets Col. 6 lines 41-56 as demonstrating the general concept being taught by Guthrie that allows conditional insertion of code into a web document. The code is operable to render a toolbar (injectable component) when executed by the client browser. Based on Guthrie's specification, a web document can include frames (Col. 3 lines 51-55). As such, Guthrie teaches a conditional rendering of the toolbar in a webpage, which could include each frame of the web page, based on specified condition described by the activation script.

Furthermore, there is a discrepancy in Claim 17 as to which "webpage" is being referenced in the limitation "computer program code for rendering the toolbar in each of the frames of the webpage". A first webpage is described in the preamble where a toolbar is displayed in "one or more frames of a webpage". A second webpage is described lines 4-6 as "a webpage having more than one frame".

Continuation of 7. All the claims would be rejected based on the same prior art cited in the final Office Action with the modification of Claims 1 and 19 now being rejected based on the combination of Guthrie and Pacifi in a similar manner as the previous rejection of claim 5 (now canceled). Summary:

Claims 1-4, 6, 8-10, 19 and 20 rejected based on combination of Guthrie and Pacifi

Claims 17, 18 and 22 are still rejected based on Guthrie in view of Kanevsky and Chennapragada.

Claim 7 is still rejected based on Guthrie in view of Pacifi and in further view of Kanevsky